

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Parida, et al.

Serial No.: 10/627,871

Group Art Unit: 2819

Filed: July 28, 2003

Examiner: Linh V. Nguyen

For: APPARATUS, SYSTEM AND METHOD FOR DATA
COMPRESSION USING IRREDUNDANT PATTERNS

Commissioner for Patents
Alexandria, Virginia 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION

Sir:

In response to the Notice of Abandonment dated November 7, 2007, in the above-identified application, and in accordance with Delgar, Inc., v. Schuyler (172 USPQ 513) (DDC 1971) and MPEP § 711.03(c), page 700-92, second column (Ed. 7, July 1998), Applicants state that the original Office Action was never received by Applicant and that Applicants searched the file jacket and docket records and this search indicated that the Office Action was not received. Thus, Applicants hereby petition for the Office Action to be re-mailed and for withdrawal of the holding of abandonment.

Accompanying this Petition is the Declaration of Mary C. Gibb, Manager of the Docketing Department in the undersigned's law firm of McGinn Intellectual Property Law Group, PLLC. As set forth in that Declaration, Ms. Gibb, in her capacity as Manager of the Docketing Department, is intimately familiar with all of the details regarding the processing of mail received in the Docketing Department, including correspondence received from the U.S.

Patent and Trademark Office. Attached to the Declaration is supporting documentation (Exhibits 1-3) showing that no Office Action in the subject application was processed by the Docketing Department or received by the undersigned's law firm.

Another of the attachments (Exhibit 4) to the Declaration of Ms. Gibb, is a copy of the front cover of the subject application's file jacket maintained in the undersigned's law firm. It should be noted that the file jacket cover shows the chronological sequence of correspondence between the undersigned's law firm and the U.S. Patent and Trademark Office. As noted on the cover, the application was filed on July 28, 2003, with Declaration and Assignment. There is no indication of receipt of any Office Action by the undersigned's law firm.

The undersigned has been associated with McGinn Intellectual Property Law Group, PLLC, for a number of years, and in that time has been able to rely on the performance of the Docketing Department to provide conscientious, reliable, and competent notice of due dates for responses to correspondence received from the U.S. Patent and Trademark Office. Based on the undersigned's familiarity with the good work performed by the employees of the Docketing Department, it is respectfully submitted that the only reasonable conclusion is that no Office Action was ever received by the undersigned's law firm for the above-identified application.

Pursuant to the detailed description provided in the Declaration of Ms. Gibb, which description is believed to satisfy fully the requirements set forth in MPEP § 711.03(c), Applicant respectfully requests that the Office Action be re-sent in the subject application and that the holding of abandonment be withdrawn.

Since this error is due to the U.S. Patent and Trademark Office, no fee is believed necessary. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-0510.

Respectfully submitted,

/Phillip E. Miller/

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Date: January 4, 2008
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